IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE JURISDICTION

CIVIL WRIT PETITION NO.4021 OF 2007
IN
REVIEW APPLICATION NO.18 OF 2003
AND
COMPLAINT(ULP)NO.739 OF 2000

The Municipal Corporation of Greater Mumbai & Ors. ...Petitioners

V/s.

Mumbai Mahanagarpalika Karmachari Mahasangh ...Respondent

Mr.A.Y. Sakhare, Sr. Counsel with A.J. Bhor i/b. S.H. Ujjainwalla & Ors. for Petitioners.
Mr.Prakash Devdas for Respondent.

CORAM : V.M. KANADE, J.

DATED : 16th AUGUST, 2007.

P.C:-

1. Heard learned counsel for the Petitioners and learned counsel for the Respondent.

2. Petitioner/BMC, Greater Mumbai takes exception to the order passed by the Industrial Court whereby interim order was granted in a complaint filed by the Respondent/Union. The Petitioners herein have been directed to implement agreement which

was executed between the parties in 1986. Said impugned order was passed on 17/01/2003. Thereafter, the Petitioners filed review application before the same Court. However, revision application was also dismissed on 23/07/04.

3. It is submitted by the learned counsel for the Petitioners that the Industrial Court has started recording evidence in the main complaint filed by the Respondent/Union and that the decision in the said complaint is likely to be taken in a couple of months. He submits that in the meantime, the Respondent/Union has filed a criminal complaint for non-implementation of the order passed by the Industrial Court. It is submitted that therefore, it is essential that said interim order may be stayed pending hearing and final disposal of the complaint.

4. Learned counsel for the Respondent submits that they will not proceed with the criminal complaint which is filed by the Respondent/Union during the pendency of the complaint in the Industrial Court.

5. In my view, at this stage, this writ petition can be disposed

of by directing the Industrial Court to decide the complaint (ULP) No.739/2000 as expeditiously as possible and in any event, within a period of three months from today. However, in the meantime, the Respondent/Union shall not proceed with the criminal complaint No.143/06 filed by them, which is pending in the Labour Court, Mumbai. In my view, since the main complaint is being disposed of within three months, I do not see any reason to interfere with the impugned order which is passed in the said complaint. With these directions, Writ Petition is disposed of accordingly.

6. It is clarified that all contentions between parties are kept open and Industrial Court shall not be influenced by any observations, if any, made by this Court while disposing of this Writ Petition.

V.M. KANADE, J.